

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PHILIP BAUTISTA,

Plaintiff,

vs.

BANK OF AMERICA & OLD REPUBLIC
EQUITY CREDIT SERVICES,

Defendants.

CASE NO. 08CV0685-LAB (LSP)

ORDER OF DISMISSAL

By an order entered May 23, 2008, the Court ordered Plaintiff to show cause why this action should not be dismissed for failure to invoke the Court's jurisdiction. Plaintiff was ordered to show cause no later than 21 calendar days from the date the order was issued, and was warned that if he failed to show cause as ordered, this action would be dismissed without further notice to him. Plaintiff filed no response within the time permitted, nor did he attempt to show cause in any other way.

On June 16, 2008, mail sent to Plaintiff was returned as undeliverable. Apparently, Plaintiff failed to keep the Court advised as to his current address, in violation of Civil Local Rule 83.11(b). Plaintiff's failure to comply with applicable rules does not, however, excuse his failure to respond as ordered. *See, e.g., Derden v. Maricopa County*, 2008 WL 740315, slip op. (D.Ariz., March 12, 2008) (denying plaintiff's motion to reconsider dismissal where

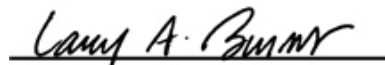
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1 plaintiff apparently failed to reply to motion to dismiss because she failed to provide the court
2 with an accurate address as required under local rules).

3 For reasons set forth in the Court's order of May 23, 2008, this action is therefore
4 **DISMISSED WITHOUT PREJUDICE**. The pending motion to dismiss brought by Defendant
5 Old Republic Equity Credit Services is **DENIED AS MOOT**.

6 **IT IS SO ORDERED.**

7 DATED: June 18, 2008

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9 **HONORABLE LARRY ALAN BURNS**
10 United States District Judge
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